

Revision: HCFA-PM-91-10  
DECEMBER 1991

State/Territory: MINNESOTA

Citation            4.38 Nurse Aide Training and Competency Evaluation for  
Nursing Facilities

- 42 CFR §4383.75;            (a) The State assures that the requirements of  
42 CFR §483, Subpart       42 CFR §483.150(a), which relate to  
D; §§1902(a)(28),           individuals deemed to meet the nurse aide  
1919(e)(1) and (2),       training and competency evaluation  
and 1919(f)(2);           requirements, are met.  
P.L. 100-203  
(§4211(a)(3));       x (b) The State waives the competency evaluation  
P.L. 101-239           requirements for individuals who meet the  
(§§6901(b)(3)           requirements of 42 CFR §483.150(b)(1).  
and (4));  
P.L. 101-508       x (c) The State deems individuals who  
(§4801(a));           meet the requirements of 42 CFR  
P.L. 105-15 (§1)       §483.150(b)(2) to have met the nurse aide  
training and competency evaluation  
requirements.
- (d) The State specifies any nurse aide training  
and competency evaluation programs it  
approves as meeting the requirements of  
42 CFR §483.152 and competency evaluation  
programs it approves as meeting the  
requirements of 42 CFR §483.154.
- x (e) The State offers a nurse aide training and  
competency evaluation program that meets  
the requirements of 42 CFR §483.152.
- x (f) The State offers a nurse aide competency  
evaluation program that meets the  
requirements of 42 CFR §483.154.
- (g) If the State does not choose to offer a  
nurse aide training and competency  
evaluation program or nurse aide competency  
program, the State reviews all nurse aide  
training and competency evaluation programs  
and competency evaluation programs upon  
request.

TN No. 98-14  
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- Citation
- 42 CFR §483.75;  
42 CFR 483, Subpart  
D; §§1902(a)(28),  
1919(e)(1) and (2),  
and 1919(f)(2);  
P.L. 100-203  
(§4211(a)(3));  
P.L. 101-239  
(§§6901(b)(3) and  
(4)); P.L. 101-508  
(§4801(a));  
P.L. 105-15 (§1).
- (h) The State survey agency determines, during the course of all surveys, whether the requirements of 42 CFR §483.75(e) are met.
  - (i) Before approving a nurse aide training and competency evaluation program, the State determines whether the requirements of 42 CFR §483.152 are met.
  - (j) Before approving a nurse aide competency evaluation program, the State determines whether the requirements of 42 CFR §483.154 are met.
  - (k) For program reviews other than the initial review, the State visits the entity providing the program.
  - (l) Except as noted, the State does not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in certain facilities as described in 42 CFR §483.151(b)(2) and (3). This does not apply to a program offered in (but not by) a facility if the State:
    - (i) determines that there is not another program offered within a reasonable distance of the facility;
    - (ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility; and
    - (iii) provides notice of such determination and assurances to the State long-term care ombudsman.

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- Citation (m) The State, within 90 days of receiving a request for approval of a nurse aide training and competency evaluation program or competency evaluation program, either advises the requestor whether or not the program has been approved or requests additional information from the requestor.
- 42 CFR §483.75;  
42 CFR §483, Subpart  
D; §§1902(a)(28),  
1919(e)(1) and (2),  
and 1919(f)(2);  
P.L. 100-203  
(§4211(a)(3));  
P.L. 101-239 (n) The State does not grant approval of a nurse aide training and competency evaluation program for a period longer than 2 years.
- (§§6901(b)(3) and  
(4)); P.L. 101-508  
(§4801(a));  
P.L. 105-15 (§1) (o) The State reviews programs when notified of substantive changes (e.g., extensive curriculum modification).
- (p) Except as noted in item (1), above, the State withdraws approval from nurse aide training and competency evaluation program and competency evaluation programs when the program is described in 42 CFR §483.151(b)(2) or (3).
- x (q) The State withdraws approval of nurse aide training and competency evaluation programs that cease to meet the requirements of 42 CFR §483.152 and competency evaluation programs that cease to meet the requirements of 42 CFR §483.154.
- (r) The State withdraws approval of nurse aide training and competency evaluation programs and competency evaluation programs that do not permit unannounced visits by the State.
- (s) When the State withdraws approval from a nurse aide training and competency evaluation program or competency evaluation program, the State notifies the program in writing, indicating the reasons for withdrawal of approval.

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Citation

42 CFR §483.75;  
42 CFR §483, Subpart  
D; §§1902(a)(28),  
1919(e)(1) and (2),  
and 1919(f)(2);  
P.L. 100-203  
(§4211(a)(3));  
P.L. 101-239  
(§§6901(b)(3) and  
(4)); P.L. 101-508  
(§4801(a));  
P.L. 105-15 (§1)

- (t) The State permits students who have started a training and competency evaluation program from which approval is withdrawn to finish the program.
- (u) The State provides for the reimbursement of costs incurred in completing a nurse aide training and competency evaluation program or competency evaluation program for nurse aides who become employed by or who obtain an offer of employment from a facility within 12 months of completing such program.
- (v) The State provides advance notice that a record of successful completion of competency evaluation will be included in the State's nurse aide registry.
- (w) Competency evaluation programs are administered by the State or by a State-approved entity which is neither a skilled nursing facility participating in Medicare nor a nursing facility participating in Medicaid.
- x (x) The State permits proctoring of the competency evaluation in accordance with 42 CFR §483.154(d).
- (y) The State has a standard for successful completion of competency evaluation programs.
- (z) The State includes a record of successful completion of a competency evaluation within 30 days of the date an individual is found competent.
- x (aa) The State imposes a maximum upon the number of times an individual may take a competency evaluation program (any maximum imposed is not less than 3).

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<u>Citation</u>		(bb)	The State maintains a nurse aide registry that meets the requirements in 42 CFR §483.156.
42 CFR §485.75;			
42 CFR §483,			
Subpart D;	<u>x</u>	(cc)	The State may include home health aides on the registry.
§§1902(a)(28),			
1919(e)(1) and		(dd)	The State contracts the operation of the registry to a non State entity.
(2), and			
1919(f)(2);			
(§4211(a)(3));			
P.L. 101-239	<u>x</u>	(ee)	<u>ATTACHMENT 4.38</u> contains the State's description of its nurse aide training and competency evaluation programs, and nurse aide registry.
(§§6901(b)(3)			
and (4));			
P.L. 101-508			
(§4801(a));			
P.L. 105-15	<u>x</u>	(ff)	<u>ATTACHMENT 4.38-A</u> contains the State's description of information included on the registry in addition to the information required by 42 CFR §483.156(c).
(§1)			

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